

Diamond Hill Estates 40B (Dupee Street.)
Requested Waivers – Revised April 25, 2021
ZBA Comments – 5/5/21

SECTION	DESCRIPTION	WAIVER	NOTES
ZBA 40A Rules and Regulations			
40A Rules and Regulations and Section 2 of the Zoning Bylaws	As an affordable housing development, the applicant seeks approval of the project under M.G.L. Chapter 40B and will comply with the Board's 40B Rules and Regulations (unless otherwise requested)	40A Rules and Regulations and Section 2 of the Zoning Bylaws	Denied - N/A
ZBA Comprehensive Permit Rules and Regulations			
Section 3.2.10	<u>Recreation and Open Space Amenities</u> - a detailed listing and site plan identifying the recreation and open space amenities and areas to be proposed and set aside within the proposed project's locus.	Applicant requests waiver from this regulation. The development site is a short distance from recreation and open space amenities at the Bird Middle School, Old Post Road School and Bird Park.	Denied *Applicant should provide a listing even if there are no open space or recreation amenities.
Section 3.2.12	<u>Pro Forma</u> - a complete financial pro forma, detailing the projected costs and revenues of the proposed project.	Applicant requests waiver from regulation as they believe it is in excess to the requirements of M.G.L 40B and as provided in the regulations in 760 CMR 56.05 (1) and (2)	Denied *Comprehensive Permit would not be denied on the basis of not receiving a pro-forma

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Walpole Rules and Regulation Governing the Subdivision of Land			
Town of Walpole Rule and Regulations Governing the Subdivision of Land, as amended though 2016	The local municipal subdivision rules and regulations	Being that this is not a subdivision the applicant requests a waiver from the town of Walpole's subdivision rules and regulations to the extent that such regulation would affect the proposed development as shown on the plans.	Denied *pending further specification of specific waivers sought
Town of Walpole Zoning Bylaws			
Section 5-B Schedule of Use Regulations			
Table 5-B.3.d.iii	iii. If there is to be more than one (1) principle building on a lot, there shall be a minimum of 10,000 square feet of lot area per dwelling unit, regardless of how many buildings are on the lot or how many units are in a building.	Allow up to eight (8) principle buildings on a lot with less than 6,500 square feet of lot area per dwelling unit	Denied - N/A *project is single family not multifamily
Section 5-D Excavation or Filling of Earth			
Section 5-D.2. Activities Prohibited	Clear-cutting of vegetation and stripping of topsoil on a site before a Building Permit has been issued by the Building Inspector for the intended use of the site is prohibited unless limited clearing is required for pre-development work including, but not limited to, site access, surveying, and test pits pursuant to accepted engineering practices.	Allow tree clearing and stripping of topsoil and site work to commence upon approval of the Comprehensive Permit and expiration of any appeal periods.	Denied

SECTION	DESCRIPTION	WAIVER	NOTES
Section 5-D.3.E.	Activities approved as part of any Site Plan Review	Allow activities as required and shown on the plan as site plan review is not required.	Denied - N/A *subject to further clarification
Section 5-D.4.A.	Under the provisions of this Section of the Bylaw, the Board of Appeals may authorize a Special Permit for the following activities: (A) Activities associated with a residential use that will involve the excavation or filling of one hundred (100) cubic yards of earth or more per year except those listed in Subsection 5-D.3.C above.	Allow excavation and /or filing activities required for the development, as shown on the plan without special permit.	Granted. *SP is N/A however information on excavation and/or filling is subject to further conditions.
Section 6-B Schedule of Dimensional Regulations			
Section 6-B.1.C.	Allow a building to be nearer to the line of a street than the "Required Setback Distance" or nearer to the side lines of its lot than the "Required Side Yard Width" or nearer to the rear line of its lot than the "Required Rear Yard Depth", as specified in the chart in Section 6-B for the district in which the lot is located (Residence B District).	Allow front setback distance of Buildings 1-6 to have a minimum street-line setback of twenty-five (25) feet. Allow front setback distance of Building 8 to have a street-line setback of six (6) feet. Allow rear yard setback of Building 7 to be nineteen (19) feet.	N/A (redundant to request within table 6-B.1)
Table 6-B.1	<u>Residence B</u>		Waiver pending final

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	Required Lot Area: 20,000S.F. Impervious Surface Buildings – 25% Total Impervious Surface – 40% Front Setback: 30’ Rear Yard Setback: 30’ Side Yard Setback: 20’	Waive compliance with requirements in a residence B District as follows: Impervious Surface – Buildings 28%, Total Impervious Surface – 46% Allow front setback distance of Buildings 1-6 to have a minimum street-line setback of twenty-five (25) feet. Allow front setback distance of Building 8 to have a street-line setback of six (6) feet. Allow rear yard setback of Building 7 to be nineteen (19) feet.	decision
Section 6-C Special Conditions			
Section 6-C.4.	Not more than one principal building constructed as a dwelling or so used shall be located on a lot	Allow eight (8) principal buildings to be constructed for use as single-family dwellings to be located on a lot without special permit	Waiver pending final decision
Section 6-C.4.A.3.	Minimum thirty (30) foot setback from any building to any adjacent property line	Allow minimum six (6) foot setback for Building 8 from any building to any adjacent property line. Allow minimum nineteen (19) foot setback for Building 7 to any adjacent property line.	N/A not within zoning bylaws

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Section 6.C.4.A.4.	Buildings shall be a minimum of thirty (30) feet apart	Allow all buildings to be a minimum of ten (10) feet apart, excluding projections for fireplaces.	N/A not within zoning bylaws
Section 6.C.4.A.6	Maximum number of dwelling units not to exceed one dwelling unit for every 10,000 square feet of lot area on a single lot	Allow eight (8) dwelling units with one unit for every 6,530+/- square feet of lot area on a single lot	N/A not within zoning bylaws
Section 6-C.11	Uncovered and/or unenclosed porches, decks, platforms, landings or stoops, which are part of a required egress, shall not encroach more than forty-eight (48) inches into the setbacks.	Allow front porticos, front porches and rear decks to encroach up to an additional sixty (60) inches beyond that permitted into the setbacks.	Waiver pending final decision
Section 13 – Site Plan Review			
<p>The Applicant requested the following:</p> <p>As the development is proposed under M.G.L. Chapter 40B, the ZBA is the permit granting authority for all local approvals for the proposed development. Site Plan Review Rules as described in Section 13 of the Zoning Bylaws is not required.</p> <p>Denied - N/A</p> <p>*subject to further clarification</p>			
Walpole Stormwater Management and Erosion Control Bylaw and Regulations			
Walpole General Bylaws - Chapter 499 Stormwater	Applicability	Waiver applicability to this development. Stormwater	Pending further discussion by the

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Management – Article II Erosion Control - §499-16		management design shall be in compliance with the Massachusetts DEP Stormwater Management Standard and Stormwater Policy Handbook.	board
Regulations - Part III (approved 11/14/2007 and revised 6/26/2019)	Stormwater Management Plans	Waiver requirement. Stormwater management design shall be in compliance with Massachusetts DEP Stormwater Management Standards and Stormwater Policy Handbook.	Pending further discussion by the board
Walpole Board of Sewer and Water Commission Regulations			
Water, Article III, Section N	Water Entrance Fees	Waive all entrance and system development fees for each unit.	Denied
Sewer, Article II, Section C	Sewer Entrance Fees	Waiver all residential sewer connection fees for each unit.	Denied
Sewer, Article IV, Section D	Inflow and Infiltration Fees	Waiver inflow and Infiltration fee for each unit	Denied
Building Department			
Building Permit Fees	All associated building permit fees	Waive building permit fee on all affordable units.	Denied